

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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WILLIAM RODRIGUEZ,	:	
	:	
Petitioner,	:	18 Civ. 11514 (LGS)
	:	
-against-	:	
	:	<u>ORDER</u>
STEWART T. ECKER,	:	
	:	
Respondent.	:	
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LORNA G. SCHOFIELD, District Judge:

WHEREAS, on January 27, 2023, Magistrate Judge Wang issued a Report and Recommendation (the “Report”) regarding Petitioner’s petition pursuant to 28 U.S.C. § 2254. On February 27, 2023, a letter from Petitioner dated February 12, 2023, docketed. That letter requested a pro bono attorney be appointed to aid Petitioner with the petition due to his medical condition. Pursuant to an Order issued March 1, 2023, Respondent submitted copies of Petitioner’s medical records to the Court.

WHEREAS, an Order issued March 16, 2023, adopted the Report in full, finding no clear error, and denied Petitioner’s request for pro bono counsel.

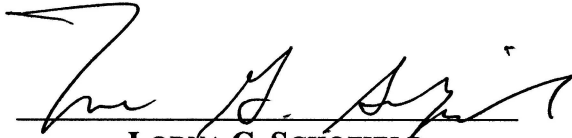
WHEREAS, on May 5, 2023, a letter from Petitioner docketed. That letter requests an extension of time to respond to the Report and for a certificate of appealability. It is hereby

ORDERED that Plaintiff’s requests for an extension of time to object to the report and for a certificate of appealability are **DENIED**. Although the Court is sympathetic to Petitioner’s condition, Petitioner was able to file multiple letters prior to the adoption of the Report. These letters, liberally construed to raise the best arguments they suggest in light of Petitioner’s *pro se* status, did not include statements that provide cause to re-examine the adoption of the Report.

As Petitioner has not made a substantial showing of the denial of a constitutional right, a certificate of appealability will not issue. See 28 U.S.C. § 2253(c)(2); *Lucidore v. N.Y. State Div.*

of Parole, 209 F.3d 107, 111-12 (2d Cir. 2000). The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal on the merits from the Order issued March 16, 2023, adopting the Report would not be taken in good faith, and therefore, in forma pauperis status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 445 (1962).

Dated: May 30, 2023
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE